



General Assembly

January Session, 2007

Amendment

LCO No. 6910

HB0711506910HDO

Offered by:
REP. DARGAN, 115th Dist.

To: Subst. House Bill No. 7115

File No. 54

Cal. No. 83

"AN ACT CONCERNING THE OFFICE OF THE STATE FIRE MARSHAL."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 29-298 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) The State Fire Marshal and the Codes and Standards Committee,
6 acting jointly shall adopt minimum standards of qualification for local
7 fire marshals, deputy fire marshals, fire inspectors and such other
8 classes of inspectors and investigators as they deem necessary. The
9 State Fire Marshal and the Codes and Standards Committee shall (1)
10 prepare and conduct oral, written or practical examinations to
11 determine if a person is qualified and eligible to be certified or (2)
12 accept successful completion of programs of training developed by
13 public agencies and approved by him as proof of qualification for
14 certification eligibility or (3) prepare and conduct a training program,
15 the successful completion of which shall qualify a person to be

16 certified. Upon determination of the qualification of a local fire official
17 under subdivision (1), (2) or (3), the State Fire Marshal and the Codes
18 and Standards Committee shall issue or cause to be issued a certificate
19 to such person stating that he is eligible to be certified. The State Fire
20 Marshal and the Codes and Standards Committee shall establish
21 classes of certification that will recognize the varying involvements of
22 such local fire officials. Local fire marshals, deputy fire marshals, fire
23 inspectors and other inspectors or investigators holding office in any
24 municipality shall be certified in accordance with subdivision (1), (2) or
25 (3). On or after October 1, 1979, no local fire marshal, deputy fire
26 marshal, fire inspector or other inspector or investigator shall be
27 appointed or hired unless such person is certified and any such person
28 shall be removed from office if he fails to maintain his certification. The
29 State Fire Marshal and the Codes and Standards Committee shall
30 conduct educational programs designed to assist such local fire
31 officials in carrying out the duties and responsibilities of their office.
32 Such educational programs for local fire marshals, deputy fire
33 marshals and fire inspectors shall be in addition to the programs
34 specified under subdivisions (2) and (3) of this subsection and shall
35 consist of not less than ninety hours of training over a three-year
36 period. The State Fire Marshal and the Codes and Standards
37 Committee shall establish the minimum hours of training for the other
38 classes of inspectors and investigators, which shall recognize the
39 varying involvements of such officials. Each local fire official shall
40 attend such training programs or other approved programs of training
41 and present proof of successful completion to the State Fire Marshal.
42 The State Fire Marshal may, after notice and opportunity for hearing,
43 and with the participation of one or more members of the Fire Marshal
44 Training Council, revoke any certificate issued under the provisions of
45 this subsection for failure on the part of a local fire official to present
46 such proof.

47 (b) No local fire marshal, deputy fire marshal, fire inspector or other
48 inspector or investigator acting for a local fire marshal, who is charged
49 with the enforcement of the Fire Safety Code and this chapter, may be

50 held personally liable for any damage to persons or property that may
51 result from any action that is required or permitted in the discharge of
52 his official duties while acting for a municipality or fire district. Any
53 legal proceeding brought against any such fire marshal, deputy fire
54 marshal, fire inspector or other inspector or investigator because of any
55 such action shall be defended by such municipality or fire district. No
56 such fire marshal, deputy fire marshal, fire inspector or other inspector
57 or investigator may be held responsible for or charged with the costs of
58 any such legal proceeding. Any officer of a local fire marshal's office, if
59 acting without malice and in good faith, shall be free from all liability
60 for any action or omission in the performance of his official duties.

61 (c) Each certified deputy fire marshal, fire inspector or other
62 inspector or investigator shall act under the direction and supervision
63 of the local fire marshal while enforcing the Fire Safety Code and the
64 provisions of this chapter. The local fire marshal may authorize, in
65 writing, such deputy fire marshal or fire inspector to issue any permit
66 or order under the provisions of this part or to certify compliance with
67 the provisions of the Fire Safety Code, on his behalf.

68 Sec. 502. Section 29-298a of the general statutes is repealed and the
69 following is substituted in lieu thereof (*Effective from passage*):

70 There shall be established within the Department of Public Safety a
71 Fire Marshal Training Council which shall advise the State Fire
72 Marshal and the Codes and Standards Committee on all matters
73 pertaining to (1) certification training programs, (2) decertification
74 hearings, (3) in-service training for fire marshals in the state, and (4)
75 programs for all other persons eligible to receive training pursuant to
76 subsections (a) to (c), inclusive, of section 29-251c. The council shall be
77 composed of twelve members as follows: The State Fire Marshal or his
78 designee; a member of the Codes and Standards Committee to be
79 elected by such committee; three members appointed by the
80 Connecticut Fire Marshals' Association, one of whom shall be a
81 volunteer, one of whom shall be a part-time paid, and one of whom
82 shall be a full-time, local fire marshal, deputy fire marshal or fire

83 inspector; one member appointed by the Board of Governors of Higher
84 Education; two members appointed by the Board of Trustees for the
85 Community-Technical Colleges; the chief elected official of a
86 municipality having a population in excess of seventy thousand
87 persons, appointed by the Governor; the chief elected official of a
88 municipality having a population of less than seventy thousand
89 persons, appointed by the Governor; and two public members,
90 appointed by the Governor. Members shall be residents of this state
91 and shall not be compensated for their services but shall be reimbursed
92 for necessary expenses incurred in the performance of their duties. The
93 council may elect such officers as it deems necessary."